

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY LEE McALISTER,

Petitioner,

v.

CASE NO. 04-CV-70850-DT
HONORABLE AVERN COHN

SHERRY BURT,

Respondent.

**ORDER DENYING MOTION FOR RECONSIDERATION
OF THE DENIAL OF A CERTIFICATE OF APPEALABILITY**

This is a pro se habeas corpus action under 28 U.S.C. § 2254. The Court dismissed the habeas petition on February 14, 2006 on the grounds that it was barred by the statute of limitations. Petitioner then filed a notice of appeal, which included a motion for rehearing, and a letter request for discovery materials. The Court treated the notice of appeal as an application for a certificate of appealability (COA), Slack v. McDaniel, 529 U.S. 473, 483 (2000), and construed Petitioner's letter request as a motion to compel discovery under Federal Rule of Civil Procedure 37. The Court denied a COA and motion to compel discovery. See Order filed March 2, 2006.

Now before the Court is Petitioner's motion for a COA in which he argues that a COA is warranted. The Court construes the motion as a motion for reconsideration of the denial of a COA.

The Court has read the motion and finds no basis for altering its conclusion that a COA is not warranted. Regardless of the substance of Petitioner's claims, the petition is clearly barred by the statute of limitations even under a generous reading of the statute.

Reasonable jurists would not debate this determination or find that the petition deserves to proceed further.

Accordingly, the motion is DENIED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: March 24, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 24, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
(313) 234-5160